

Remarks/Arguments:

Claim Status

Claims 1-6, 9-22 and 28 are currently pending. Claims 23-27 have been cancelled without prejudice or disclaimer of the subject matter thereof. New claim 28 recites a method of cerebral cortical reorganization of a user. Support for new claim 28 and the amendments to claim 1 may be found, for example, in originally filed claims 23-26 and the publication of the originally filed specification at paragraphs 11, 13, 16, 19, 20, 23, 48 and 49.

Opening Remarks

As stated in the publication of the originally filed specification at paragraph 15, "the present invention relies on teaching proprioceptive techniques to patients with a view to ***altering cerebral cortical re-organisation*** in patients with chronic musculo-skeletal pain. The ***present invention educates subjects*** in the localisation of stimuli on the skin innervated by the same nerves as innervate the deep structures of the painful area."

Claim Rejection Under 35 U.S.C. 103(a):

Claims 1-6, 9-11, 14-16 and 18-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Woods (U.S. Patent No. 6,609,032) in view of Daignault (U.S. Patent No. 6,748,276). Applicants respectfully request reconsideration of the rejection of these claims and respectfully submit that these claims are patentable over Woods and Daignault because neither reference discloses at least the following features of claim 1:

wherein the user interface device is configured to determine if the input zone of the interface device selected by the user matches the activated stimulator activation zone configuration, and

wherein the user interface device is configured to alert the user as to whether the selected input zone matched the activated stimulator activation zone configuration.

Woods discloses a neural stimulation system including a device for programming an implantable electrode array. Using the device, the patient first selects where pain is generally felt (see FIG. 12A). The device activates the proper implanted electrodes in the area of the patient's body where the pain is felt. The patient then manipulates location arrow buttons (see FIG. 12D) to activate the appropriate electrodes in order to "zero in on an optimal pain

coverage location.” The patient then confirms where the stimulation is felt on a computer screen (see FIG. 12G). Contrary to the above-listed features of claim 1, Woods neural stimulation system does not determine if the patient’s confirmation of where the pain is felt corresponded with the activated electrodes, and the system does not alert the patient as to whether the patient’s selection corresponded to the activated electrodes. Furthermore, as stated in the previous Office Action response Woods teaches away from the step of selecting an activation zone configuration independently of the user. Daignault does not overcome the deficiencies of Woods, as Daignault is merely relied upon to teach that an input zone can comprise an independent stimulator element (see page 3 of Advisory Action).

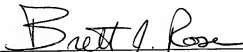
Accordingly, because claim 1 includes features that are neither disclosed nor suggested by the cited references, *prima facie* obviousness cannot be established based on those references. Claims 6, 9-11, 14-16 and 18-22 are dependent upon claim 1. Those dependent claims should also be allowed at least as being dependent upon an allowable base claim. Reconsideration of claims 6, 9-11, 14-16 and 18-22 is respectfully requested.

Claims 12, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods (US Patent No. 6,609,032) in view of Daignault (US Patent No. 6,748,276) and further in view of Brannon (US Patent No. 6,193,678). Applicants respectfully request reconsideration of the rejection of these claims and respectfully submit that these claims are patentable over Woods, Daignault and Brannon. Claims 12, 13 and 17 depend from claim 1 and include all of the limitations thereof. Brannon teaches a “mechanism for allowing a user to position vibrating and heating units onto the body at user selected locations” (see column 1, lines 46-54). Brannon fails to overcome the foregoing deficiencies of Woods and Daignault, as Brannon is merely relied upon to teach a vest having vibratory units (see page 5 of the Office Action dated 11/12/2008). Reconsideration of claims 12, 13 and 17 is requested.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application is now in condition for allowance, which action is respectfully requested. If the Examiner believes an interview will advance the prosecution of this application, it is respectfully requested that the Examiner contact the undersigned to arrange the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brett J. Rosen", is written over a horizontal line.

Rex A. Donnelly, Reg. No. 41,712
Attorney for Applicants
Brett J. Rosen, Reg. No. 56,047
Registered Patent Agent

RAD/BJR/ap
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P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

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